APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,296	06/26/2001	David Eatough	42390P11639	2361

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EXAMINER
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ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/892,296	EATOUGH ET AL.
	Examiner	Art Unit
	Azizul Choudhury	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 June 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-18</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20060819

Detailed Action

This office action is in response to the correspondence received on June 12, 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Farinacci et al (US Pat No: 5,519,704) in view of Tseung (US Pat No: 5,036,518),

hereafter referred to as Farinacci and Tseung, respectively.

1. As to Claims 1, 4, and 7, Farinacci teaches through Tseung: Receiving a request

   to perform a task for a plurality of devices over a network (column 5, lines 50-53),

   wherein the task comprises copying a file, installing a software application,

   updating a software application or sending batch data (column 40, lines 51-66,

   Tseung); Performing said task using a multicast message communicated over

   said network (column 5, lines 55-57); Receiving a request to complete said task

   from at least one device (see column 5, lines 53-55); Determining whether said

   task was completed for said at least one device using a task status table (see

   column 5, lines line 60-63); Performing said task using a unicast message

   communicated over said network in accordance with said determination (see

column 5, lines 64-67); and Updating said task status table, wherein said task status table comprises a status indicator indicating whether said task has been completed for said at least one device

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs and doesn't teach the status table. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). In addition, means by which to maintain the status of tasks in a computing device that is handling tasks is obvious and well known in the art. Tseung teaches how the retransmission station maintains data structures (table) to keep track of the status of messages (tasks or program transmissions) to different recipients (Figure 40 and column 18, lines 16-47, Tseung). For instance, it can record if there are crc errors. When no errors are left, it is known that the messages have been transmitted completely and correctly (column 36, line 21- column 37, line 15, Tseung). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

2. As to Claims 2, 5 and 13, Farinacci teaches through Tseung: Wherein said determining whether said task was completed for said at least one device comprises: Receiving an identifier for said at least one device; Searching a task status table using said identifier; Retrieving a status indicator associated with said identifier; and Determining whether said task was completed for said at least one device using said status indicator (see column 2, lines 57-63).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

3. As to Claims 3, 6, 8, and 11, Farinacci teaches through Tseung: Wherein said receiving said request to complete said task from at least one device comprises: Determining whether said at least one device is in communication with said

network; and Sending said request to complete said task from said at least one device (see column 53-55).

(While Farinacci teaches a design allowing for tasks to be performed through the use of unicast and multicast messages, Farinacci does not disclose the task being software updates and installs. In the same field of endeavor, Tseung teaches a design allowing for software installs and updates through multicasts (column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure also teaches how one-to-one (unicast) data transfers are allowed (column 1, lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Farinacci with those of Tseung to allow software and/or updates to be sent using the guaranteed, reliable and secure one-to-many technique (column 40, lines 51-54, Tseung)).

4. As to Claim 9, Farinacci teaches through Tseung: A storage medium: Said storage medium including stored instructions that, when executed by a processor, result in receiving a request to perform a task for a plurality of devices over a network (see column 5, lines 50-53), performing said task using a multicast message communicated over said network (see column 5, lines 55-57), receiving a request to complete said task from at least one device (see column 5, lines 53-55), determining whether said task was completed for said at least one device, and performing said task using a unicast message communicated over

said network in accordance with said determination (see column 5, lines 60-67),

wherein the task comprises copying a file, installing a software application,

updating a software application or sending batch data (column 40, lines 31-66,

Tseung)).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

5. As to Claim 10, Farinacci teaches through Tseung: Wherein the stored

instructions, when executed by a processor, further result in determining whether

said task was completed for said at least one device by receiving an identifier for

said at least one device, searching a task status table using said identifier,

retrieving a status indicator associated with said identifier, and determining

whether said task was completed for said at least one device using said status

indicator (see column 2, lines 57-63).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

6. As to Claim 12, Farinacci teaches through Tseung: A storage medium; Said

storage medium including stored instructions that, when executed by a

processor, result in receiving a request to send information to a plurality of

devices (see column 5, lines 50-53), sending said information to said plurality of

devices using a broadcast message (see column 5, lines 55-57), receiving a

request for said information from at least one device (see column 5, lines 53-55),

determining whether said at least one device received said information, and

sending said information to said at least one device using a unicast message in

accordance with said determination (see column 5, lines 60-67).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

7. As to Claim 14, Farinacci teaches through Tseung: Wherein the stored

instructions, when executed by a processor, further result in receiving a request

for said information by connecting said at least one device to said network and

sending said request for said information from said at least one device (see

column 5, lines 60-67).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

8. As to Claim 15, Farinacci teaches through Tseung: A storage medium; said

storage medium including stored instructions that, when executed by a

processor, result in receiving a request to perform a task for a plurality of devices

over a network (see column 5, lines 50-53), performing said task using a

multicast message communicated over said network (see column 5, lines 55-57),

receiving a request to complete said task from at least one device and an

identifier for said at least one device (see column 53-55), searching a task status

table using said identifier, retrieving a status indicator associated with said

identifier, determining whether said task was completed for said at least one

device using said status indicator (see column 2, lines 57-63), and performing

said task using a unicast message communicated over said network in

accordance with said determination (see column 5, lines 60-67), wherein the task

comprises copying a file, installing a software application, updating a software

application or sending batch data (column 40, lines 31-66, Tseung).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

9. As to Claim 16, Farinacci teaches through Tseung: Wherein the stored

instructions, when executed by a processor, further result in receiving said

request to complete said task from at least one device by connecting said at least

one device to said network, and sending said request to complete said task from

said at least one device (see column 5, lines 60-67).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

10. As to Claim 17, Farinacci teaches through Tseung: A server, said server having a

task handler module to manage complete of a task for a plurality of target

devices using a multicast message, wherein the task comprises copying a file,

installing a software application, updating a software application or sending batch

data (column 40, lines 51-66, Tseung); a plurality of target devices, said plurality

of target devices each having a task finisher module to request completion of

said task if uncompleted; and A network to communicate information between

said server and said plurality of target devices to complete said task (see column

4, lines 40-47).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

11. As to Claim 18, Farinacci teaches through Tseung: Further comprising a task

handler module for each of said plurality of target devices to complete said task

for said plurality of target devices (see column 4, lines 40-47).

(While Farinacci teaches a design allowing for tasks to be performed through

the use of unicast and multicast messages, Farinacci does not disclose the task

being software updates and installs. In the same field of endeavor, Tseung

teaches a design allowing for software installs and updates through multicasts

(column 33, lines 60-62 and column 40, lines 51-66, Tseung). The disclosure

also teaches how one-to-one (unicast) data transfers are allowed (column 1,

lines 25-58 and column 40, lines 31-51, Tseung). Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Farinacci with those of Tseung to allow software

and/or updates to be sent using the guaranteed, reliable and secure one-to-many

technique (column 40, lines 51-54, Tseung)).

Response to Remarks

The amendment received on June 12, 2006 has been carefully examined but is

not deemed fully persuasive. The applicant amended the independent claims and

remarks that neither prior arts teach the newly claimed, "Updating said task status table,

wherein said task status table comprises a status indicator indicating whether said task

has been completed for said at least one device." The examiner disagrees with this

contention. First, it is well known in the art that when a computing device that is

handling various tasks (whether it be to distribute data, to manage other devices, etc),

means by which to manage the status of the tasks must be present. If the status of

tasks were not managed, the computing device would not know when a task is finished

or what tasks need more work. If the tasks were not managed, the computing device(s)

handling various tasks would at some point crash. Furthermore, Tseung teaches how

the retransmission station maintains data structures (table) to keep track of the status of

messages (tasks or program transmissions) to different recipients (Figure 40 and

column 18, lines 16-47, Tseung). For instance, it can record if there are crc errors.

When no errors are left, it is known that the messages have been transmitted

completely and correctly (column 36, line 21- column 37, line 15, Tseung).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Azizul Choudhury whose telephone number is (571)

272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

JASON CARDONE
SUPER ENT EXAMINER